



U.S. Department of Justice
Civil Division
950 Pennsylvania Avenue, N.W.
Washington, D.C. 20530

September 13, 2017

By ECF

Honorable Nicholas G. Garaufis
United States District Judge
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: *Batalla Vidal, et al., v. Baran, et al.*,
CV-16-4756 (Garaufis, J.) (Orenstein, M.J.)

Dear Judge Garaufis:

Defendants are in receipt of Plaintiffs' September 11, 2017 letter identifying the claims Plaintiffs wish to assert in a second amended complaint, the interests of additional parties Plaintiffs wish to add as plaintiffs, and the additional parties Plaintiffs wish to name as defendants. ECF No. 52. Although Defendants do not agree with the proposed additional allegations, Defendants will not oppose Plaintiffs' proposed motion to file a second amended complaint, recognizing that courts freely give leave to amend pursuant to Federal Rule of Civil Procedure 15(a)(2). Instead, Defendants will seek leave to dismiss the proposed second amended complaint pursuant to Federal Rule of Civil Procedure 12. At the September 14, 2017 conference, Defendants will be prepared to request a briefing schedule for the government's anticipated dispositive motion.

Respectfully submitted,

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